

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT J. MASTRELLA,	:	CIVIL ACTION NO. 1:20-CV-1037
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
LOUIS DEJOY, POSTMASTER GENERAL, UNITED STATES POSTAL SERVICE,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 18th day of November, 2021, upon consideration of defendant's motion (Doc. 24) to dismiss plaintiff's amended complaint, and the parties' briefs in support of and opposition thereto, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Defendant's motion (Doc. 24) to dismiss plaintiff's amended complaint is GRANTED in part and DENIED in part as set forth below.
 - a. Defendant's motion (Doc. 24) is GRANTED to the extent that plaintiff's discrimination claim and 2015 retaliation claim are DISMISSED without prejudice.
 - b. Defendant's motion (Doc. 24) is further GRANTED to the extent that plaintiff's claim under the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4311, is DISMISSED for lack of subject matter jurisdiction.
 - c. Defendant's motion (Doc. 24) is DENIED with respect to plaintiff's 2018 retaliation claim.
2. Plaintiff is granted leave to amend the claims dismissed in paragraph 1(a) within 21 days of the date of this order. In the absence of a timely filed amended complaint, the above-captioned action shall proceed on plaintiff's 2018 retaliation claim alone.

3. Defendant's deadline to respond to the amended complaint under Federal Rule of Civil Procedure 12(a)(4)(A) is DEFERRED for the duration of the 21-day amendment period set forth in paragraph 2 above.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania